

## **Minutes of Special and Regular Meeting of February 11, 2014**

One Twin Pines Lane, Belmont, CA

### **STUDY SESSION** (held in Emergency Operations Center, second floor)

COUNCILMEMBERS PRESENT: Reed, Braunstein, Stone, Lieberman

COUNCILMEMBERS ABSENT: None

STAFF PRESENT: City Manager Scoles, City Attorney Rennie, Community Development Director de Melo, Finance Director Fil, Management Analyst Rose, Human Resources Director Dino, Public Works Director Oskoui, City Attorney Violet, City Clerk Cook

### **Presentation and Direction Regarding Downtown Revitalization Planning Framework**

Management Analyst Rose defined the boundaries of the downtown and presented information regarding why revitalization of this area is important. She pointed out that the guiding principle for this effort is that good planning facilitates action. She reviewed existing goals and policies, and outlined proposed new goals and policies that could provide tools for implementing any changes. She outlined the CEQA (California Environmental Quality Act) procedures. She explained that a comprehensive EIR (Environmental Impact Report) process would be done in advance of any potential development as a way to streamline the process and make it more cost effective. She reviewed the action plan and timeline.

Discussion ensued regarding the role of the Planning Commission in this process. Discussion also ensued regarding staff bandwidth and capacity, as well as funding.

**ACTION:** on a motion by Councilmember Reed, seconded by Councilmember Stone, and unanimously approved to:

- Implement the proposed Action Plan and Timeline
- Authorize staff to solicit planning consultant proposals for Council consideration
- Authorize a General Fund Advance to the General Plan Maintenance Fund in an amount not to exceed \$550,000 (formal resolution to be considered as part of the February 25<sup>th</sup> mid-year review)

**ADJOURNMENT at this time, being 7:28 P.M.**

**Terri Cook  
City Clerk**

Meeting not recorded or videotaped

### **REGULAR MEETING**

**CALL TO ORDER 7:38 P.M.**

### **ROLL CALL**

COUNCILMEMBERS PRESENT: Reed, Braunstein, Stone, Lieberman

COUNCILMEMBERS ABSENT: None

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STAFF PRESENT: City Manager Scoles, City Attorney Rennie, Finance Director Fil, Community Development Director de Melo, Information Technology Director Mitchell, Parks and Recreation Director Gervais, Public Works Director Oskoui, Human Resources Director Dino, Police Chief DeSmidt, Deputy Fire Chief Gaffney, Chief Building Official Nolfi, Management Analyst Rose, City Treasurer Violet, City Clerk Cook

### **PLEDGE OF ALLEGIANCE**

Led by Police Chief Dan DeSmidt

### **COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS**

Mayor Lieberman made the following announcements:

- Councilmember Christine Wozniak has resigned from the City Council, effective immediately
- High school students will be in attendance over next several meetings for their government class
- Senator Jerry Hill will be hosting an on-line town meeting on February 19<sup>th</sup>
- Earth day poster contest
- Art Takes a Bus Ride contest
- The next Ralston Corridor Study meeting will be held February 20<sup>th</sup>
- Sandbags are available at various locations throughout town
- Tonight's meeting will be adjourned in memory of former Mayor and City Councilmember William Hardwick, who recently passed away

Councilmember Braunstein announced that Carlmont High School won the annual Millard Fillmore Trivia Hunt.

City Attorney Rennie outlined the options available for filling the City Council vacancy. Council concurred to have this matter placed on the February 25<sup>th</sup> City Council agenda for discussion and direction.

### **ITEMS APPROVED ON CONSENT CALENDAR**

**Minutes of Regular City Council and Regular Fire Protection District Meeting of January 14, 2014 Update and Self-Evaluation** of the American with Disabilities Act Title II for Fiscal Year 2012/2013

**Resolution 2014-018** Requesting the Metropolitan Transportation Commission for the Allocation of Fiscal Year 2014 Transportation Development Act Article 3 Pedestrian/Bicycle Project Funding for Development of a Comprehensive Pedestrian/Bicycle Plan in the Amount of \$37,500 and Approving the Local Match of \$37,500

**Resolution 2014-019** Authorizing a Purchase Order for Unleaded Gasoline and Diesel Fuel from Olympian Oil Company for an Amount not to Exceed \$25,000

**Resolution 2014-020** Authorizing the City Manager to Enter into an Engineering Professional Services Agreement with Belleci & Associates for an Amount not to Exceed \$186,632 and an Additional 10% Contingency of \$18,000 for Design of the Belmont Pavement Improvement Project

**Resolution 2014-021** Authorizing the City Manager to Enter Into an Agreement with Wells Fargo Bank for Banking Services

**ACTION:** On a motion by Councilmember Braunstein, seconded by Councilmember Stone, the Consent Agenda was unanimously approved.

## **OTHER BUSINESS**

### **Resolution of the City Council Approving a Permanent Encroachment Agreement for Utility Pole and Retaining Wall within the Public Right-of-Way at 1753 Valley View Avenue (APN 044-091-090 and APN 044-331-010)**

Public Works Director Oskoui noted that this matter was continued from the January 28<sup>th</sup> meeting after neighbors expressed concerns regarding the easement and the paper trail. He explained that further research indicated that the City vacated the easement subsequent to the filing of the subdivision map, and the paper trail does not exist. He noted that the property owner will be removing the surveillance camera and burglar alarm from the utility pole. He pointed out that drainage has been assessed and addressed. He explained that that City is not likely to need the right-of-way for any use, but if it did, the owner would be required to remove the pole. He stated there are no issues regarding the retaining wall.

**Brian Suchland**, Belmont resident, requested clarification regarding who owns the paper trails and how property lines, tax assessments, and future building expansions are affected if the paper trail does not exist. He pointed out that the paper trail exists on plot maps.

City Attorney Rennie explained that this is a private property matter.

**Tran Tran**, Belmont resident, pointed out that there is a structure in the right-of-way. She noted that the subdivision map, which was recorded, reflects a paper trail. She requested clarification as to its ownership if not owned by the City. She noted that the Planning Commission did not review the encroachment agreement and utility pole as part of its original review. She stated there is no public benefit to the granting of the encroachment agreement, which is a required finding.

**Auggie Paccei**, designer and builder for the subject property, explained that the property reverts back to the adjacent property owner if there is no easement. He noted that PG&E was unwilling to run the power line to the house and requested the utility pole. He pointed out that additional expense was incurred to underground the utilities.

**Laura Peterhans**, Belmont resident, stated that there previously was a garage in this area and that the utility pole encroaches more into the right-of-way. She requested that the base of the pole be landscaped to improve aesthetics.

**Richard Cole**, subject property owner, stated that undergrounding of utilities is a public benefit. He explained that he intends to landscape in the area of the base of the pole. He presented a petition signed by 15 people in support of this project (on file in the City Clerk's office). He pointed out that

the original developer put the trails on the subdivision map in 1924, and that the City refused the trail due to liability. He stated that the right-of-way no longer exists, and the pole is not in the right-of-way.

Public Works Director Oskoui stated that the paper trail was rejected by the County of San Mateo prior to the incorporation of Belmont. He clarified that there is no enhancement of private use.

**ACTION:** On a motion by Councilmember Reed, seconded by Councilmember Braunstein, Resolution 2014-022 of the City Council Approving a Permanent Encroachment Agreement for Utility Pole and Retaining Wall within the Public Right-of-Way at 1753 Valley View Avenue (APN 044-091-090 and APN 044-331-010) was unanimously approved.

**Resolution of the City Council Authorizing Participation in a County-wide Housing Nexus Study to Support Impact Fees for Affordable Housing and Inclusionary Housing Requirements**

Management Analyst Rose explained that the housing element of the General Plan is a guiding document to demonstrate where housing could be built within the city limits, and that the State of California does not mandate that housing be produced. She outlined the needs, constraints, and goals and policies relative to housing, and pointed out that there is a strong demand for housing, primarily market rate units. She outlined affordable housing tools, and noted that the biggest obstacle is the loss of funding due to the dissolution of the redevelopment agency.

Management Analyst Rose explained that inclusionary housing regulations require a set-aside for low and very low-income units. She defined the income levels required for eligibility for such units. She clarified that State law no longer allows cities to invest in moderate-income housing. She stated that developers could pay an in-lieu fee or be provided with flexibility or incentives to provide the units on site. She also noted that another tool is the imposition of housing impact fees, and she described the process of how fees could be imposed on both residential and commercial developments. She clarified that the developer would have the ability to choose between paying an in-lieu fee or producing the units.

City Attorney Rennie explained that details of the procedures could be written into the ordinance.

Management Analyst Rose provided details regarding a nexus study, which would provide the relationship between the need for housing to the type of development. She explained that without such a study, the imposition of housing fees or inclusionary ordinances could be subject to legal challenge. She noted that several cities in San Mateo have joined together to perform the nexus study, which would result in savings. She pointed out that the nexus study would help determine the upper limit of a housing impact fee. She also said that participating in a County-wide study could help set the fee to be consistent with other cities.

City Attorney Rennie explained that the City Council could make a policy decision to charge something less than the upper limit provided for in the nexus study.

Councilmember Reed pointed out that the dissolution of the redevelopment agency eliminated a tool for the City to provide for low-income housing, and that inclusionary housing requirements or an in-lieu fee are new tools available to meet housing needs. Management Analyst Rose confirmed that the City no longer has the resources to assist developers with the production of low-income units.

In response to Councilmember Reed, Management Analyst Rose clarified that very few cities have housing impact fees, and some cities have inclusionary housing ordinances which are in jeopardy until the nexus study is completed. She also clarified that since many cities in the area will be implementing fees or inclusionary housing requirements, Belmont will not be uniquely applying the requirements.

City Attorney Rennie stated that this is an issue of the structure of the fee and where housing is to be produced. He pointed out that this could be an incentive to a developer to produce housing.

Discussion ensued regarding the allocation of low- to very-low income housing. Discussion also ensued regarding pre-and post-redevelopment housing requirements, and the ability of and funding for producing housing units.

**ACTION:** On a motion by Councilmember Reed, seconded by Councilmember Stone, Resolution 2014-023 of the City Council Authorizing Participation in a County-wide Housing Nexus Study to Support Impact Fees for Affordable Housing and Inclusionary Housing Requirements was unanimously approved.

## **COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS**

### **Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments**

Councilmember Stone reported that he attended his first Caltrain Modernization and San Mateo County Library Joint Powers Authority meetings.

### **Verbal Report from City Manager**

City Manager Scoles mentioned the upcoming Ralston Corridor Study meeting. He stated that staff would be coordinating a Council workshop to address priorities, goals, and protocols. He noted that staff would be moving forward with plans for the downtown following the study session held earlier. He displayed new signs that would be erected in various places throughout town that replace the Neighborhood Watch program.

**ADJOURNMENT** at this time, being 9:05 p.m. in memory of former Mayor and City Councilmember William Hardwick

**Terri Cook  
City Clerk**

Meeting audio-recorded and videotaped

